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June 2, 2021

VIA ECF and Electronic Mail

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Hon. Andrew L. Carter Jr.
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Dear Judge Carter:

Re: Kohlberg et al. v. Birdsey et al., Case No. 1:20-cv-06250-ALC
Request for Extension of Briefing Schedule for Motions to Dismiss
Our File No.: 5369.28035

The undersigned represent the Plaintiffs in the above-referenced action. On April 13, 2021, Defendants filed four separate motions to dismiss. On May 7, 2021, this Court granted Plaintiffs' first request for an extension of time to file their opposition papers. ECF No. 117. Those papers are currently due on June 4, 2021.

Over the past month, Plaintiffs and Defendants have been involved in settlement negotiations. On May 21, 2021, Plaintiffs reached a settlement agreement with David Watkins. *See* ECF Nos. 21, 24. Settlement negotiations are ongoing. In light of these ongoing negotiations, Plaintiffs are requesting a two-week extension to file their opposition papers. Plaintiffs are optimistic that this two-week extension will result in limiting the issues before the Court on the pending motions.

Therefore, Plaintiffs respectfully request that the briefing schedule be amended as follows:

	Current Due Date	Proposed Due Date
Plaintiffs' Opposition Papers	June 4, 2021	June 18, 2021
Defendants' Reply Papers	July 9, 2021	July 23, 2021

Last week, counsel to Defendant Birdsey indicated that Mr. Birdsey likely would not be opposed to this extension request but today declined to confirm his position on the extension. The Long Point defendants oppose this request based on their view that settlement negotiations have not

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progressed enough to merit the extension and that Plaintiffs have already received sufficient additional time to respond to the motions. Counsel to GreatBanc has not yet indicated GreatBanc's position on this matter.

This is Plaintiffs' second request for an extension of time.

Thank you for your consideration of this matter.

Respectfully submitted,

RUPP BAASE PFALZGRAF
CUNNINGHAM, LLC
Counsel to Plaintiff Betsy Sears

/s/Anne K. Bowling

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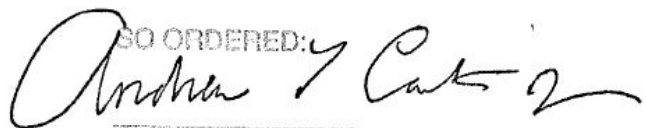
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Cc: All counsel of record (via ECF and electronic mail)

Defendants are hereby ORDERED to respond to Plaintiffs' request for an extension by no later than June 7, 2021.

SO ORDERED:


HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

Dated: June 3, 2021